

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 16-1 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)  
7 Sec. 16-1. Theft.

8 (a) A person commits theft when he knowingly:

9 (1) Obtains or exerts unauthorized control over  
10 property of the owner; or

11 (2) Obtains by deception control over property of  
12 the owner; or

13 (3) Obtains by threat control over property of the  
14 owner; or

15 (4) Obtains control over stolen property knowing  
16 the property to have been stolen or under such  
17 circumstances as would reasonably induce him to believe  
18 that the property was stolen; or

19 (5) Obtains or exerts control over property in the  
20 custody of any law enforcement agency which is explicitly  
21 represented to him by any law enforcement officer or any  
22 individual acting in behalf of a law enforcement agency  
23 as being stolen, and

24 (A) Intends to deprive the owner permanently  
25 of the use or benefit of the property; or

26 (B) Knowingly uses, conceals or abandons the  
27 property in such manner as to deprive the owner  
28 permanently of such use or benefit; or

29 (C) Uses, conceals, or abandons the property  
30 knowing such use, concealment or abandonment  
31 probably will deprive the owner permanently of such

1 use or benefit.

2 (b) Sentence.

3 (1) Theft of property not from the person and not  
4 exceeding \$300 in value is a Class A misdemeanor.

5 (1.1) Theft of property not from the person and not  
6 exceeding \$300 in value is a Class 4 felony if the theft  
7 was committed in a school or place of worship.

8 (2) A person who has been convicted of theft of  
9 property not from the person and not exceeding \$300 in  
10 value who has been previously convicted of any type of  
11 theft, robbery, armed robbery, burglary, residential  
12 burglary, possession of burglary tools, home invasion,  
13 forgery, a violation of Section 4-103, 4-103.1, 4-103.2,  
14 or 4-103.3 of the Illinois Vehicle Code relating to the  
15 possession of a stolen or converted motor vehicle, or a  
16 violation of Section 8 of the Illinois Credit Card and  
17 Debit Card Act is guilty of a Class 4 felony. When a  
18 person has any such prior conviction, the information or  
19 indictment charging that person shall state such prior  
20 conviction so as to give notice of the State's intention  
21 to treat the charge as a felony. The fact of such prior  
22 conviction is not an element of the offense and may not  
23 be disclosed to the jury during trial unless otherwise  
24 permitted by issues properly raised during such trial.

25 (3) (Blank).

26 (4) Theft of property from the person not exceeding  
27 \$300 in value, or theft of property exceeding \$300 and  
28 not exceeding \$10,000 in value, is a Class 3 felony.

29 (4.1) Theft of property from the person not  
30 exceeding \$300 in value, or theft of property exceeding  
31 \$300 and not exceeding \$10,000 in value, is a Class 2  
32 felony if the theft was committed in a school or place of  
33 worship.

34 (5) Theft of property exceeding \$10,000 and not

1 exceeding \$100,000 in value is a Class 2 felony.

2 (5.1) Theft of property exceeding \$10,000 and not  
3 exceeding \$100,000 in value is a Class 1 felony if the  
4 theft was committed in a school or place of worship.

5 (6) Theft of property exceeding \$100,000 in value  
6 is a Class 1 felony.

7 (6.1) Theft of property exceeding \$100,000 in value  
8 is a Class X felony if the theft was committed in a  
9 school or place of worship.

10 (7) Theft by deception, as described by paragraph  
11 (2) of subsection (a) of this Section, in which the  
12 offender obtained money or property valued at \$5,000 or  
13 more from a victim 60 years of age or older is a Class 2  
14 felony.

15 (8) Theft of a poisonous gas, deadly biological or  
16 chemical contaminant or agent, or radioactive substance  
17 is a Class X felony.

18 (c) When a charge of theft of property exceeding a  
19 specified value is brought, the value of the property  
20 involved is an element of the offense to be resolved by the  
21 trier of fact as either exceeding or not exceeding the  
22 specified value.

23 (Source: P.A. 91-118, eff. 1-1-00; 91-360, eff. 7-29-99;  
24 91-544, eff. 1-1-00; 92-16, eff. 6-28-01.)